

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
 Filed: October 1, 2024

* * * * *

VICTOR STOCK *as personal representative** No. 20-805V
of the ESTATE OF CYNTHIA STOCK, *

Petitioner, * Special Master Sanders

v. *

SECRETARY OF HEALTH
 AND HUMAN SERVICES, *

Respondent. *

* * * * *

*Mark Theodore Sadaka, Law Offices of Sadaka Associates, LLC, Englewood, NJ, for Petitioner.
 Adam Nemeth Muffett, U.S. Department of Justice, Washington, DC, for Respondent.*

DECISION¹

On July 1, 2020, Victor Stock, (“Petitioner”), as personal representative of the estate of Cynthia Stock, filed a petition for compensation pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-10 to -34 (2018). Petitioner alleged that the influenza (“flu”) and tetanus vaccines that Ms. Stock received November 11, 2017, and November 22, 2017, caused her to suffer from vaccine-induced polyneuropathy, acute inflammatory demyelinating polyneuropathy (“AIDP”), Guillain-Barré syndrome, encephalopathy, cerebral amyloid angiopathy, and ultimately death. Pet. at 1, ECF No. 1.

On October 1, 2024, the parties filed a stipulation in which they state that a decision should be entered awarding compensation to Petitioner. Stipulation ¶ 7, ECF No. 77.³ Respondent “denies that the flu and/or tetanus vaccines caused Ms. Stock’s alleged GBS, or any other injury, or her

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755.

³ The attached stipulation omits the Vinesign Document Completion Report to avoid unnecessary disclosure of Petitioner’s personal information.

death.” *Id.* ¶ 6. Nevertheless, the parties agree to the joint stipulation. *See id.* ¶ 7. I find the stipulation reasonable and adopt it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulate that Petitioner shall receive the following compensation:

- (a) A lump sum of \$110,000.00, in the form of a check payable to Petitioner as legal representative of the Estate of Cynthia Stock. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

Id. ¶ 8.

I approve the requested amount for Petitioner’s compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties’ stipulation.⁴

IT IS SO ORDERED.

s/Herbrina D. Sanders
 Herbrina D. Sanders
 Special Master

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

VICTOR STOCK, as Personal Representative
of the Estate of CYNTHIA STOCK,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 20-805V
Special Master Sanders
ECF

STIPULATION

The parties hereby stipulate to the following matters:

1. Victor Stock (“petitioner”), as the Personal Representative of the Estate of Cynthia Stock (“Ms. Stock”), deceased, filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. 300aa-10 to 34 (the “Vaccine Program”). The petition seeks compensation for injuries and death allegedly related to Ms. Stock’s receipt of an influenza (“flu”) vaccine and a tetanus vaccination of unspecified type, which vaccines are contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. 100.3(a).
2. Ms. Stock received the flu vaccine on November 11, 2017. Ms. Stock received the tetanus vaccine on November 22, 2017.
3. The vaccines were administered within the United States.
4. Petitioner alleges that Ms. Stock sustained Guillain-Barré Syndrome (“GBS”) within the Table time period following the flu vaccine, and alternatively alleges that Ms. Stock suffered from vaccine-induced polyneuropathy, acute inflammatory demyelinating

polyneuropathy (AIDP), Guillain-Barré Syndrome (“GBS”), encephalopathy, and cerebral amyloid angiopathy that were caused in fact, or significantly aggravated, by the flu vaccine and/or tetanus vaccine, and ultimately resulted in Ms. Stock’s death on July 2, 2018.

5. Petitioner represents that there has been no prior award or settlement of a civil action for damages on behalf of Ms. Stock as a result of her alleged condition or her death.

6. Respondent denies that the flu and/or tetanus vaccine caused Ms. Stock’s alleged GBS, or any other injury, or her death.

7. Maintaining their above-stated positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation described in paragraph 8 of this Stipulation.

8. As soon as practicable after an entry of judgment reflecting a decision consistent with the terms of this Stipulation, and after petitioner has filed an election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), the Secretary of Health and Human Services will issue the following vaccine compensation payment:

A lump sum of \$110,000.00 in the form of a check payable to petitioner as legal representative of the Estate of Cynthia Stock. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the parties will submit to further proceedings before the special master to award reasonable attorneys’ fees and costs incurred in proceeding upon this petition.

10. Petitioner and petitioner’s attorney represent that compensation to be provided pursuant to this Stipulation is not for any items or services for which the Program is not

primarily liable under 42 U.S.C. § 300aa-15(g), to the extent that payment has been made or can reasonably be expected to be made under any State compensation programs, insurance policies, Federal or State health benefits programs (other than Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.)), or by entities that provide health services on a pre-paid basis.

11. Payment made pursuant to paragraph 8 of this Stipulation, and any amount awarded pursuant to paragraph 9, will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.

12. Petitioner represents that he presently is, or within 90 days of the date of judgment will become, duly authorized to serve as legal representative of the Estate of Cynthia Stock under the laws of the State of Michigan. No payments pursuant to this Stipulation shall be made until petitioner provides the Secretary with documentation establishing his appointment as legal representative of the Estate of Cynthia Stock. If petitioner is not authorized by a court of competent jurisdiction to serve as legal representative of the Estate of Cynthia Stock at the time a payment pursuant to this Stipulation is to be made, any such payment shall be paid to the party or parties appointed by a court of competent jurisdiction to serve as legal representative of the Estate of Cynthia Stock upon submission of written documentation of such appointment to the Secretary.

13. In return for the payments described in paragraph 8, and any amount awarded pursuant to paragraph 9, petitioner, in his individual capacity, and as the Personal Representative of the Estate of Cynthia Stock, on his own behalf, and on behalf of the Estate and Ms. Stock's heirs, executors, administrators, successors or assigns, does forever irrevocably and unconditionally release, acquit and discharge the United States and the Secretary of Health and Human Services from any and all actions or causes of action (including agreements, judgments,

claims, damages, loss of services, expenses and all demands of whatever kind or nature) that have been brought, could have been brought, or could be timely brought in the Court of Federal Claims, under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300 aa-10 et seq., on account of, or in any way growing out of, any and all known or unknown, suspected or unsuspected personal injuries to or death of Ms. Stock resulting from, or alleged to have resulted from, the flu vaccine administered on November 11, 2017, and/or the tetanus vaccination administered on November 22, 2017, as alleged in a Petition filed on July 1, 2020, in the United States Court of Federal Claims as petition No. 20-805V.

14. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation or if the United States Court of Federal Claims fails to enter judgment in conformity with a decision that is in complete conformity with the terms of this Stipulation, then the parties' settlement and this Stipulation shall be voidable at the sole discretion of either party.

15. This Stipulation expresses a full and complete negotiated settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended, except as otherwise noted in paragraph 9 above. There is absolutely no agreement on the part of the parties hereto to make any payment or do any act or thing other than is herein expressly stated and clearly agreed to. The parties further agree and understand that the award described in this Stipulation may reflect a compromise of the parties' respective positions as to liability and/or amount of damages.

16. This Stipulation shall not be construed as an admission by the United States or the Secretary of Health and Human Services that the flu vaccine and/or tetanus vaccine caused Ms. Stock's alleged GBS, or any other alleged injury, or her death.

17. All rights and obligations of petitioner in his capacity as the Personal Representative

of the Estate of Cynthia Stock shall apply equally to petitioner's heirs, executors, administrators, successors, and/or assigns.

END OF STIPULATION

Respectfully submitted,

PETITIONER:


VICTOR STOCK

**ATTORNEY OF RECORD FOR
PETITIONER:**


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**AUTHORIZED REPRESENTATIVE
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Digitally signed by
Jeffrey S. Beach -S
Date: 2024.08.22
14:19:20 -04'00'
for
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Dated: 10-1-24